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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,586	06/30/2000	Shmuel Shaffer	M-8509-US	9498

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,586

Applicant(s)

SHAFFER ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on May 10, 2004. **Claims 1-44** are now pending in the present application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8,10,12,18-20,22-29,31,33,39-41,43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Sun et al. US Patent 6,501,740.

Regarding claim 1, Sun teaches a method for joining a meet-me conference call, (col. 3, lines 10-28), said method and system comprising:

presenting an option to specify a quorum associated with a meet-me conference call, (col. 9, lines 3-17), in response to user input to an application program co-resident with a terminal, (col. 9, lines 1-10).

Regarding claim 22, Sun teaches a system for joining a meet-me conference call, (col. 3, lines 10-28), said system comprising:

means for detecting user input to an application program co-resident with a terminal, (col. 9, lines 1-17); and

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means for presenting an option to specify a quorum associated with a meet-me conference call, (col. 9, lines 3-17), in response to the user input to the application program co-resident with the terminal, (col. 9, lines 1-10).

Regarding claims 2 and 23, Sun teaches wherein the user input further includes: an indication that the user is requesting to join a meet-me conference call, (col. 9, lines 1-20).

Regarding claims 3 and 24, Sun teaches wherein the user input further includes: an indication that the user is requesting to specify a quorum (fig. 5; col. 9, lines 1-10) at a time selected from the group comprising a time at which a meet-me call is being scheduled, and a time prior to a time at which a meet-me conference call is to transpire, (fig. 5; col. 7, lines 39-50).

Regarding claims 4 and 25, Sun teaches wherein the user input further includes: a telephone number of a conferencing service (col. 6, lines 34-39) and a password for a conference call, (col. 6, lines 50-58).

Regarding claims 5 and 26, Sun teaches wherein the user input further includes: identification of a virtual presence of the user, (col. 5, lines 60-63; col. 6, lines 34-53; col. 7, lines 36-50).

Regarding claims 6 and 27, Sun teaches wherein said identification of the virtual presence of the user further includes:

identification of a connection address comprising a landline telephone number, (col. 6, lines 34-58).

Regarding claims 7 and 28, Sun teaches wherein said identification of the virtual presence of the user further includes:

identification of a non-media-transport channel-supporting connection address wherein the connection address is a network address, (col. 6, lines 37-39).

Regarding claims 8 and 29, Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further comprises:

presenting an option to specify a quorum associated with the meet-me conference call via at least one device selected from the group comprising an audio device and a visual device (graphical user interface device), (col. 6, lines 6-33).

Regarding claims 10 and 31, Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further includes:

presenting a number of users associated with the meet-me conference call, or an identity of at least one user associated with the meet-me conference call, (col. 7, lines 36-50; fig. 4).

Regarding claims 12 and 33, Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further comprises:

presenting an option comprising specifying that a complete quorum must be present before a MC-CMA (Multipoint Controller-Call Management Application program) establishes a meet-me conference call, (col. 9, lines 1-22).

Regarding claims 18 and 39, Sun teaches originating a media transport channel from the user's terminal in response to a message indicating that the quorum has been established, (col. 6, lines 6-33; col. 7, lines 51-61; col. 8, lines 10-27).

Regarding claims 19 and 40, Sun teaches presenting notification that the quorum associated with the meet-me conference call has been established via at least one device selected from the group comprising an audio device and a visual device proximate to the user's terminal,

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in response to a message indicating that the quorum has been established, (col. 6, lines 6-33; col. 7, lines 36-50).

Regarding claims 20 and 41, Sun teaches originating a media transport channel from the user's terminal in response to user input, (col. 7, lines 36-50).

Regarding claim 43, Sun teaches a program product comprising:
signal bearing media (col. 8, lines 10-27, 33-46) bearing programming adapted to present an option to specify a quorum associated with a meet-me conference call, (col. 9, lines 8-13), in response to user input to an application program co-resident with a terminal, (col. 9, lines 12-20).

Regarding claim 44, Sun teaches wherein said signal bearing media is selected from the group comprising transmission media, and recordable media, (col. 9, lines 8-20; abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 9,11,13-17,30,32 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun in view of Eaton et al. US Patent 5,483,588.

Regarding claims 9,11,30 and 32, while Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference all further includes joining the meet-me conference call substantially immediately, (col. 9, lines 12-20), Sun does not specifically teach of the joining the conference all after at least one designated user either joins or is waiting to join.

Eaton teaches that it was well known in the art to have conferencing system in which the system presents an option to specify a quorum associated with a meet-me conference call including presenting an option to join the conference call after at least one designated user either joins or is waiting to join the meet-me conference call, (col. 10, lines 17-23; col. 13, lines 21-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and

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talk in the conference and so that the designated talkers can be aware of all users who are waiting.

Regarding claims 13 and 34, Sun in view of Eaton, as applied above, teach sending a message containing user input to a Multipoint Controller Conference Manager Application (MC-CMA), in response to user input specifying the quorum by indicating that the user desires to wait for at least one user to either join or be waiting to join the meet-me conference call prior to the user joining the conference call, (col. 13, lines 21-39, Eaton).

As shown above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.

Regarding claims 14 and 35, Sun in view of Eaton, as applied above, teach wherein the user input specifying the quorum by indicating that the user desires to wait for at least one user to either join or be waiting to join the meet-me conference call prior to the user joining the conference call further includes:

user input specifying that a complete quorum must be present before the MC-CMA (Multipoint Controller-Call Management Application program) establishes a meet-me conference call, (col. 13, lines 21-39, Eaton).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the

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conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.

Regarding claims 15 and 36, Sun in view of Eaton, as applied above, teach wherein the user input specifying the quorum by indicating that the user desires to wait for at least one user to either join or be waiting to join the meet-me conference call prior to the user joining the conference call further includes:

user input specifying that the MC-CMA notifies a Terminal-CCMA (Conference Call Manager Application Program co-resident with a terminal) upon detection of at least one designated user joining or being available to join a meet-me conference call, (col. 13, lines 21-39, Eaton).

As taught above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.

Regarding claims 16 and 37, Sun teaches wherein said sending a message containing the user input to a Conference Manager Application (CMA) further comprises: sending a message over a Call Optimization Application (COA) channel, (col. 8, lines 10-27).

Regarding claims 17 and 38, Sun teaches wherein said sending a message over a Call Optimization (COA) channel further includes: establishing an Internet Protocol channel, (col. 8, lines 33-47).

8. Claims 21 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun in view of Eaton and further in view of Jonsson US Patent 6,272,214.

Regarding claims 21 and 42, while Sun in view of Eaton teaches of a establishing a meet-me conference system, Sun and Eaton do not specifically teach of notifying the user that the quorum has been established via at least a paging service.

Jonsson teaches that it was well known in the art to have a meet-me conferencing system and of presenting notification that a quorum associated with the meet-me conference call has been established via at least a paging messaging service,(col. 3, lines 3-28). Jonsson further teaches that the notification method may comprise a plurality of different types of notification means, (col. 3, lines 3-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun an Eaton by notifying the users via at least a pager as suggested by Jonsson so that the user can immediately join the conference if they were required to join the conference.

Response to Arguments

9. Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive.

Applicants contend that Sun fails to anticipated, teach or suggest "presenting an option to specify a quorum associated with a meet-me conference call in response to user input to an

application program co-resident with a terminal,” as recited in claim 1. Applicant further states that having a predetermined list of potential participants is clearly not the same as specifying a quorum. The Examiner respectfully disagrees.

Sun discloses in col. 3, lines 10-27 of conferees establishing a connection to the conference by specifying the named conference to which they intend to join. The system of Sun provides for a plurality of different conferences (quorums) that a conferee may select to join. The Examiner has interpreted “quorum” based on the defined definition of quorum and in light of the context of quorum as used in Applicant’s specification to be defined as a select/specific conference group.

Sun discloses in col. 9, lines 1-22, that a conferee uses a terminal to connect to a selected conference. The conferee uses their browser application program to initially input a selection to connect to the meet-me conference. The browser will then prompt the user to select from several possible conferences (quorums) that are available to the conferee. The conferee then selects a specific quorum that they wish to join.

As further shown in figures 4- 6 and in col. 7, lines 36+ the graphical user interface presents an option to specify a quorum that is associated with a meet-me conference. For example, as user using the graphical user interface terminal selects in figure 5 the option of “February Sales” by clicking on the option. In response the browser will shown the user the screen as shown in figure 6 which is entitled February Sales. The conferee will then select the join button to join the conference.

Therefore, it is clear from at least the figures that the browser presents an option to specify a quorum (e.g. Anna Haley; New Product Meeting; February Sales; or Project X

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Strategy) associated with a meet-me conference call in response to user input (selecting by clicking;) to an application program (browser/graphical user interface program; browsers are general purpose software programs that are implemented in hardware platforms) co-resident with a terminal (the browser is a program that is stored in the hardware platform - i.e. the conferees personal computer).

Therefore, the Examiner believes that Sun clearly anticipate the claimed invention and the rejection is maintained.

Applicant contends that Eaton fails to anticipated, teach or suggest “presenting an option to specify a quorum associated with a meet-me conference call in response to user input to an application program co-resident with a terminal,” as recited in claim 1. The Examiner respectfully disagrees.

Applicant states that the first cited portion of Eaton (col. 10, lines 17-23) states that the system can prompt a caller for the number of parties to a conference call and thus does not teach presenting an option to specify a quorum. Col. 10, lines 17-23 was cited by the Examiner to show how “quorums” are created and how they will be used by subsequent conferees. This process will be used in the future to provide conferees an option to specify a conference/quorum.

Applicant states that col. 13, lines 21-48, describes how a caller to the conference is handled and thus doesn't disclose presenting an option to specify a quorum in response to user input or presenting an option to join the conference after at least one designated user either joins or is waiting to join the meet-me conference call. The Examiner read a designated user to read on the “talker” since the talkers are given certain rights in the conference such as the ability to speak in the conference whereas non-talkers can only listen. Eaton was relied upon to teach of

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presenting an option to join the conference call after at least one designated user (talker/call leader) either joins or is waiting to join the meet-me conference call.

Following the flow chart presented in figure 9, step 902 presents an option to the conferee to specify a conference (quorum) by inputting an ID. In reference numbers 912,913,919,920 conferees are provided with various information based on who is already in the conference. Specifically Eaton teaches in step 919 (presenting the option to join) that the conferee is given the option to join the conference after a talker (designated user) is already in the conference. Therefore, the Examiner believes that Eaton teaches presenting an option to join the conference after at least one designated user joins the conference.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Eaton was used to teach that it would have been obvious to modify Sun by determining whether or not a designated user joins so that the system of Sun can provide the conferee with the option to connect to the conference. The motivation that the Examiner relied upon was from knowledge generally available to one of ordinary skill in the art. The motivation that one would want to have designated talkers so that the conference call can be prevented from starting unless a designated talker is present. Furthermore, in col. 11, lines 57-67 Eaton provides

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the designated talker with the ability to allow only designated taker to determine who is allowed to enter and talk.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The
examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the
organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent
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Ovidio Escalante
Examiner
Group 2645
July 7, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

